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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,157	11/12/1999	YUKI HIRAYAMA	JA9-98-228	1299

25259 7590 05/09/2003

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EXAMINER

LU, TOM Y

ART UNIT PAPER NUMBER

2621

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/439,157

Applicant(s)

HIRAYAMA, YUKI

Examiner

Tom Y Lu

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. The written response received on February 7, 2003 has been entered. Claims 1-4 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.
3. Upon further review of the Hemingway Reference cited in the previous Office Action, and in light of applicant's response, Hemingway does not anticipate or render obvious independent claims 1-4. However, in light of broad interpretations in the claims, the examiner feels a set of new rejections is in order with newly added references in the following non-final Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Prendin (GB 2202104A).
 - a. As applied to Claim 1, which is representative of Claim 3, Prendin discloses means for comparing an image in the vicinity of a coordinate obtained from a pointing device (Prendin at page 4, lines 30-31, discloses “reference area, or window, in the neighbourhood of said selected point, now displayed by means of a cursor positioned by means of a joystick”. The reference area or window in the neighborhood of the selected point corresponds to the claimed “an image in the vicinity of a coordinate”.

“Means of a cursor positioned by means of a joystick” corresponds to the claimed “a pointing device”) with an image of a template (Prendin at page 5, lines 2-5, discloses “compares it to analogous comparative area or windows”, such “comparative area or window” corresponds to the claimed “an image of a template”); means for locating a most matching template and its position on an image (Prendin at page 5, lines 6-10, discloses “said window is copied to the working storage of a distance-measuring computer, which searches, by comparison, for the most similar window which is present in the corresponding image stored inside one of two storages”. Note “the most similar window” corresponds to the claimed “template”, the center point of windows 29 as shown in figure 3 correspond to the claimed “position on an image”); and from the position on said image and position correction information associated with the template (Prendin at page 5, lines 11-12, discloses “determines the difference between the positions of these two latter windows, from which the value of the sought distance is then easily computed”, the center points of windows 31, 32, 33 correspond to the claimed “position correction information associated with the template”), means for calculating a final pointing position (Prendin at page 9, lines 30-31, discloses “this process enables the new true position to be found very quickly, which the movable reference point has come to during the period of two successive frames or images”, such “new true position” corresponds to the claimed “final pointing position”).

- b. With regard to Claim 4, the only difference between Claim 1 and Claim 4 is Claim 4 calls for a medium which comprises a program. Prendin discloses using computers to implement his system. A computer inherently includes a memory

storage which the software program can run on, and such memory storage corresponds to the claimed "medium".

- c. With regard to Claim 2, Prendin discloses means for selecting an image area, from an image, to be a subject of a template (Prendin at page 5, lines 30-31, discloses "figure 3 shows the comparative areas, or comparative windows", such comparative areas or windows are created same as the reference window. Prendin at page 8, lines 16-17, discloses a small area or window around the point selected by the operator, and shown by a small cross in figure 2, such window corresponds to the claimed "template"); means for storing said image area as a template image (Prendin at page 5, line 4, discloses the comparative areas or windows are stored in other storage); means for selecting a point in said image area with a pointing device (the center points shown in figure 3 for comparative windows 31, 32, 33 are selected by means of a joystick); and means for storing said selected position correction information associated with said template image (Prendin at page 5, line 4, discloses the comparative areas or windows contains the selected points are stored in other storage).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Maekawa et al, U.S. Patent No. 6,040,824, discloses Information display system with touch panel.
- b. Martin, U.S. Patent No. 5,933,135, discloses Pen input device for high resolution displays.

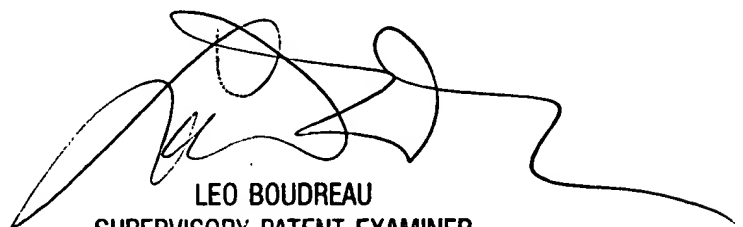
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- c. Rylander, U.S. Patent No. 5,917,486, discloses System and method for client program control of a computer display cursor.
 - d. Shively, U.S. Patent No. 5,844,577, discloses System and method for detecting screen hotspots.
 - e. Leah et al, U.S. Patent No. 5,808,601, discloses Interface object selection pointer method and apparatus.
 - f. Ditter Jr., U.S. Patent No. 5,317,680, discloses Using regular graphic shapes to identify a pointer-selected graphic object.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y Lu whose telephone number is (703) 306-4057. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on (703) 305-4706. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Tom Y. Lu
May 1, 2003



LEO BOUDREAU
SUPERVISORY PATENT EXAMINER
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